



Oral Statement by the International Bar Association

55th Session of the Human Rights Council

Geneva, Switzerland

ID with the Special Rapporteur on Afghanistan

29 February 2024

Addressing Gender Apartheid of Women and Girls in Afghanistan

I am Baroness Helena Kennedy KC, Director of the IBA's Human Rights Institute (the IBAHRI). I welcome this opportunity to engage in the interactive dialogue with the Special Rapporteur on Afghanistan. The IBAHRI is highly concerned about the deteriorating situation of women and girls in Afghanistan, a situation that meets the legal definition of gender persecution but also shows concerning parallels with apartheid and must be called for what it is - gender apartheid - as inhumane acts committed in the context of an institutionalised regime of systematic oppression and domination by one gender group over any other gender group or groups and committed with the intention of maintaining that regime.

In early 2024, the IBAHRI supported an ad-hoc Inquiry in the UK Parliament examining the situation of women and girls in Afghanistan and Iran and whether this would amount to gender apartheid. The report and its recommendations will be published over the next few days and should be used by states as a blueprint for action - including by supporting the efforts to codify gender apartheid but also utilising all possible avenues to help women and girls in the country. Silence in the face of segregation in Afghanistan cannot be accepted and is unworthy of the Human Rights Council.

Furthermore, the IBAHRI is highly concerned about the situation of the Hazara in the country, which has the hallmarks of crimes against humanity and genocide, requiring urgent attention from the international community. The IBAHRI, responsible for evacuating 103 Afghan female Judges and lawyers in 2021, remains deeply concerned about the risk faced by those remaining in the country, and how women's exclusion compounds the collapse of the Rule of Law and women's segregation. Without women able to meaningfully join and engage with institutions of power, they will remain second-class citizens.

We urge this Council to:

- Establish an investigation and accountability mechanism mandated to collect, preserve and analyse ongoing systematic and gross human rights violations that are being carried out in the country, with specific focus on the human rights violations against women and girls, the Hazara and other minority communities, among others;
- accommodate further discussion on the issue of gender apartheid with a special session on the situation of women and girls in Afghanistan; and give a platform for women and girls to meaningfully participate and contribute.

Thank you.

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Delivering the statement

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